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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,403	03/05/2001	Thulasiraman Jeyaraman	SUN1P806/P5418	2707
66083 7590 08/03/2007 SUN MICROSYSTEMS, INC. c/o DORSEY & WHITNEY, LLP 370 SEVENTEENTH ST. SUITE 4700 DENVER, CO 80202			EXAMINER DUONG, THOMAS	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/800,403	JEYARAMAN ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2145	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-2, 4-6, 25-26, 28, 35-36, 38-40, and 51-53.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Arguments presented are not persuasive. Please see the attachment sheets.

DETAILED ACTION

Response to Argument

1. The Applicants' arguments filed on July 26, 2007 have been fully considered, but they are not persuasive.
2. With regard to claims 1, 25, 35, and 51-53, the Applicants point out that,
 - *With respect to each grounds of rejection the novelty and non-obviousness of the claims commonly turns on at least one issue of whether Raz discloses or suggests the limitation of "initiating the transaction as a local transaction on the first resource manager without first determining whether the transaction is appropriate to be a local transaction" as recited by claim 1, and similarly as recited by claims 25, 35 and 51-53. We believe that Raz stands for the proposition that some knowledge of whether a transaction is local (and appropriate to be local) is required for the initiation of a local transaction, which is contravention of the limitation set forth above that requires no such knowledge.*
 - *We respectfully believe that this paragraph clearly sets forth that (a) initiating a local transaction occurs based on some form of knowledge of whether a transaction is local or global, which is derived from the source of the transaction, transaction type and application or perhaps otherwise, and (b) should the system not have that knowledge, then the transaction is assumed global. Accordingly, the recited paragraph simply does not disclose or suggest the claimed limitation of "initiating the transaction as a local transaction on the first resource manager*

without first determining whether the transaction is appropriate to be a local transaction."

However, the Examiner finds that the Applicants' arguments are not persuasive because Raz discloses, *"a processor 145 in a distributed transaction processing system that uses the preferred atomic commitment protocol to process global transactions. [However, the] processor also processes local transactions. The local transactions, for example, are issued by a local user 146 such as an application program executed by the processor. Global transactions issued by the local user are coordinated by the transaction manager 147, the functions as the atomic commitment coordinator for the global transactions"* (Raz, col.21, lines 53-61).

Hence, Raz teaches of a processor in a distributed transaction processing system that processes both local and global transactions issued by the local user. Because of this, *"the processor 145 should know whether a transaction is global or local, depending on the source of the transaction"* (Raz, col.21, lines 61-63) and that *"the information should be made available to the local scheduler as early as possible for use by the local concurrency control mechanism"* (Raz, col.21, line 65 – col.22, line 14). Hence, Raz teaches of a need for the local scheduler of the processor to know if an issued transaction is either a local transaction or a global transaction as soon as possible so as to maintain the local concurrency control. Raz discloses, *"otherwise, each transaction should be assumed to be global, but in this case any optimization of the local concurrency control for the local transaction is lost"* (Raz, col.22, lines 14-16). Hence, Raz teaches that if there is no regard to the local concurrency control, *"then each transaction should be assumed to be global"* (Raz, col.22, line 14-15). However, *"if this [is the] case [then] any optimization of the local concurrency control*

for local transaction is lost" (Raz, col.22, line 15-16). Therefore, in fact, Raz is teaching away from assuming that each transaction is a global transaction in order to optimize the local concurrency control for local transactions. Raz goes on to disclose, *"when an optimistic local concurrency control is used, for example, knowledge that a transaction is local can be used at any time before the transaction is decided"* (Raz, col.22, lines 16-19). Hence, Raz teaches that when optimization of the local concurrency control is used, then the *"knowledge that [the] transaction is local can be used at any time before the transaction is decided"* (Raz, col.22, lines 18-19). Thus, in effect, Raz teaches of processing the transaction as a local transaction without the need to determine whether the transaction should be a local transaction or a global transaction. In addition, Raz discloses, *"for some applications, some transaction types are a-prior known to be local, and hence this information could be used to identify local transactions in systems which do not explicitly identify the source of each transaction"* (Raz, col.22, lines 19-23). Hence, Raz teaches that in systems that do not identify the source of each transaction, meaning that the transactions are not known to be local transactions or global transactions; but, because these transactions are known to be local transactions coming from certain applications, there is no need to determine whether these transactions are local transactions or global transactions. And; therefore, these certain types of known transactions can be processed as local transactions immediately upon their arrival.